



**PARKS AND RECREATION COMMISSION  
LA MIRADA DESERT PARK  
8950 E. PINNACLE PEAK ROAD  
SCOTTSDALE, AZ 85255  
WEDNESDAY, JUNE 21, 2006**

**PRESENT:** Donn Loper, Chairperson  
Shelley Anderson, Vice-Chair  
John Faramelli  
Ron King  
Ronald Petersen

**ABSENT:** Robert Frost

**STAFF:** Donna Bronski, City Attorney  
Bob Cafarella, Director of Preservation  
Leslie Clark, Parks and Recreation Manager  
Danny Gallegous, Recreation Coordinator of Cactus Park  
Scott Hamilton, Trails Planner  
John Loleit, Recreation Coordinator of Pinnacle Peak Park  
William Murphy, Parks and Grounds Management Director  
Doug Nesselroad, Parks & Recreation Manager  
Judy Weiss, Parks and Recreation Director

**OTHERS PRESENT FOR ALL OR PART OF THE MEETING:**

Jon Kitchell  
Ben Patton, Snell & Wilmer, Urban Planner  
Steven Singer  
Bob Vairo, Coalition of Pinnacle Peak, Inc.  
Nick Wood, Snell & Wilmer, Urban Planner

**1. CALL TO ORDER**

Chairperson Loper called the meeting to order at 5:00 p.m., noting the presence of a quorum.

**2. MOMENT OF SILENCE**

At the request of Chairperson Loper, a moment of silence was observed.

### **3. APPROVAL OF THE MINUTES**

Regular Meeting of June 7, 2006.

**VICE-CHAIR ANDERSON MOVED TO APPROVE THE MINUTES OF THE JUNE 7, 2006 MEETING. COMMISSIONER FARAMELLI SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF FIVE (5) TO ZERO (0).**

Ms. Weiss introduced and welcomed Danny Gallegos, the new Recreation Coordinator at Cactus Park.

### **4. REVIEW OF PROPOSED RE-ALIGNMENT TO THE WEST END OF THE PINNACLE PEAK PARK TRAIL**

Staff will present a proposed re-alignment to the west end of the Pinnacle Peak Park Trail, adjacent to the proposed Esperanza Development.

Chairperson Loper reminded members of the audience they must complete a comment card if they would like to speak and they have three minutes.

Mr. Hamilton reviewed a context graphic depicting Pinnacle Peak Park Trail. He gave a brief overview of the development/construction of the Trail. The Trail passes through privately owned property. But a temporary access easement was granted by the previous property owner with the intent that if the property was developed, the Trail could be contained within a permanent easement. The City negotiated in good faith with that property owner at the time not to condemn the property to acquire it for the Trail.

Since that time, the property has changed ownership and there is now a proposed development. Mr. Hamilton referred to a second graphic depicting the Trail's proximity to Esperanza development. The developers are asking that the Trail be moved from its current alignment to the south.

Mr. Hamilton stated that this issue would eventually go to the City Council for approval of the final plat. As part of that, the Commission should provide a recommendation on the proposed Trail re- alignment.

Mr. Hamilton stated that, in response to notices sent to the surrounding property owners, there was opposition from the Desert Highlands HOA and from one of the homeowners who was very involved in the initial planning of the Trail and does not want any changes.

In response to an inquiry by Commissioner Petersen, Mr. Hamilton stated that the contention now is that the temporary easement did not carry with the land; therefore, there is no temporary easement.

Vice-Chair Anderson recollected that, originally, it was difficult to get agreement on everything regarding this Trail and inquired as to the compelling reason for changing the alignment. Mr. Hamilton responded that, from the staff's perspective, the main purpose is to provide a connection from the end of the Pinnacle Peak Trail to Jomax Road out to Pima. Either of the proposed alignments could make that connection. In addition, Mr. Hamilton referred to an aerial photograph depicting a building envelope in the proposed development that would go over the existing Trail.

In response to an inquiry by Vice-Chair Anderson, Mr. Hamilton responded that redesign of the Trail would probably not have a great affect on the user's experience.

In response to inquiries by Commissioner King, Mr. Hamilton stated that the Trail is open to horses. Although there is little usage in the Park, there is horse usage on the Trail along Jomax Road. The re-alignment would not make it more difficult for horses.

In response to an inquiry by Commissioner Faramelli, Mr. Hamilton explained how people currently access the Trail from the west and how they would access with the proposed re-alignment. Discussion ensued.

An asphalt roadway into the subdivision will cross over the Trail. In response to a concern voiced by Vice-Chair Anderson, Mr. Hamilton indicated that signage could be placed near the surface crossing to alert drivers that they may see/encounter horseback riders and that this has been done in other locations in the community. In response to an inquiry by Vice-Chair Anderson, Mr. Hamilton stated that there had been no discussion with the developer regarding moving their entrance road to accommodate the Trail.

In response to an inquiry by Commissioner Faramelli, Mr. Hamilton stated that both the proposed re-alignments would suffice, but he did not recommend Option A because it pushes the Trail too far up the hill. Discussion ensued regarding pedestrians, parking, and access to the Park.

In response to an inquiry by Commissioner King, Mr. Hamilton stated that the developer is proposing to give a permanent easement to the City for the Trail, but in a different location just to the south.

In response to an inquiry by Commissioner King, Mr. Wood and Mr. Hamilton responded that there were 17 lots in the development and that traffic level would be low.

Vice-Chair Anderson stated that she was opposed to the re-alignment in that, originally, construction of the Trail was a very lengthy, problematic process. Every part of this Trail was discussed with property owners.

Commissioner Petersen stated that as he understood the situation, the Trail exists on privately owned land without a proper easement and, therefore, the City is trespassing on that land. Mr. Hamilton responded that he was not an attorney, but that could be a contention.

In response to an inquiry by Commissioner Petersen, Mr. Wood responded that the current owner would be in their legal right if they chose to block off the Trail.

Discussion ensued with Mr. Hamilton referring to an aerial photograph and re-iterating the developer's proposal to move the trail. .

In response to an inquiry by Vice-Chair Anderson, Mr. Hamilton stated that it had been a balancing act trying to represent interests of the homeowners, the Park, and the Trail users.

In response to inquiries by Vice-Chair Anderson, Mr. Hamilton replied that, by having the Trail re-aligned, the homeowner in the proposed subdivision would not have their building envelope hindered by a public Trail. The existing homeowners to the south would gain no benefit and were actually opposed to the Trail when it was originally proposed. The Trail-using public probably would not know the difference.

In response to an inquiry by Chairperson Loper, Mr. Hamilton stated that the difficulty of the Trail as proposed in Option B would not be dramatically different than the existing Trail.

In response to an inquiry by Commissioner Petersen, Mr. Hamilton stated that the way the stipulations are written, a permanent easement would be dedicated and the developer would be responsible for physically re-aligning the Trail to City standards, with no cost to the City.

In response to inquiries by Vice-Chair Anderson, Ms. Bronski stated that the current property owner is making a very strong claim that the City is trespassing because the Trail crosses their property and that approval of one of the proposed options would negate a legal dispute. In addition, the location of the entrance road was approved in the preliminary plat.

In response to inquiries by Chairperson Loper, Mr. Hamilton provided clarification on the Trail's current location and the proposed re-alignment on the easternmost property line. Mr. Hamilton stated that nine affected property owners had been sent two letters regarding the public meeting and proposed Trail re-alignment. The property owners did not respond. Chairperson Loper stated that Mr. Hamilton should endeavor to get responses.

Mr. Wood, the zoning attorney representing Pinnacle Trails, provided a history of the property starting in 2001.

Mr. Wood referred to a color aerial map depicting the lots in Esperanza development and adjacent properties and provided an explanation of the careful planning and design process that had occurred prior to this time.

Mr. Wood stated that there was a Right of Entry agreement signed by Giant Industries that allowed the City to enter the property to analyze the ½ acre corner of the 40 acre parcel, determine the best route for the trail, and to construct the trail.

Mr. Wood stated that when his client bought the property, he was unaware of the temporary easement that had been granted by the previous owner, nor was the easement recorded. The owner is willing to give the City free right-of-way for the Trail.

Mr. Wood stated that:

- a. The property owner is treating the City's "interest" in the current Trail as a "license."
- b. The property owner commits to move the Trail approximately 60 feet from its current location and will pay any and all costs.
- c. The property owner will move trees salvaged as part of the road and other construction activity to screen the Trail re-alignment, if asked to do so.
- d. The property owner agrees to place cobblestone or other paving material in the road near the planned medians to slow traffic coming to/from the development.
- e. The property owner will install a speed bump or hump in the same area near the Trail crossing, if asked to do so.
- f. The property owner will file a bond, once the City gets an estimated cost for the Trail re-alignment, to ensure the Trail relocation is paid by the developer.

In response to an inquiry by Chairperson Loper, Ms. Weiss responded that the Commission could recommend either Option A or B for the Trail re-alignment, or leave it as is, but that it was not under the Commission's purview tonight to redesign the Trail re-alignment.

Mr. Vairo, representing Desert Highlands HOA and the Pinnacle Peak Coalition, provided a history of the Trail construction and the interaction with the current developer. He opined that the developer's ultimate goal is to get rid of the Trail. He stated that the residents of Desert Highlands currently have a pristine view of the desert and the Trail re-alignment would ruin that view. The property owners that Mr. Vairo represents are opposed to the Trail re-alignment.

Mr. Singer, homeowner, indicated that he agreed with Mr. Vairo's statements. He maintained that he was not notified of the meeting and had received no materials related to this issue—he obtained them from his neighbor. He stated that he has, uncomfortably, co-existed with the Trail and its users for several years. He felt the Trail is already too close to Desert Highlands property lines. He opined that re-alignment of the Trail was unnecessary and stated he was against any additional changes.

In response to an inquiry by Commissioner Petersen, Mr. Loleit stated he would recommend Option B.

**VICE-CHAIR ANDERSON MOVED THAT THE COMMISSION APPROVE OPTION B OF THE PROPOSED RE-ALIGNMENT TO THE WEST END OF THE PINNACLE PEAK PARK TRAIL. COMMISSIONER PETERSEN SECONDED THE MOTION, WHICH PASSED BY A VOTE OF FOUR (4) TO ONE (1). CHAIRPERSON LOPER OPPOSED THE MOTION.**

**5. DIRECTOR'S REPORT OF CURRENT EVENTS (A.R.S. § 38-431.02(K))**  
**(Information item)**

Ms. Weiss stated that the Commission would be receiving the staff report via email or regular mail.

Ms. Weiss stated that summer programs started on June 19, and 4,151 kids signed up, which is about 1,000 more than last year.

The Mescal Park lights were approved by the DRB last week; therefore, construction documents will be put together and installation is expected in about six months.

Mr. Murphy stated that, at the suggestion of Vice-Chair Anderson, the staff is meeting with the property owners near Stonegate Park regarding Verizon's cell site. Layout of landscaping and location of the equipment building will be discussed. The meeting will be held June 22, 6:00 p.m., at the Via Linda Senior Center.

Mr. Murphy informed the Commission that he and a colleague were speakers at the National Arbor Day Conference in Nebraska.

Grounds maintenance staff are busy with field maintenance at the City's and schools' fields.

Mr. Murphy reported that the building at CAP Basin should be completed by next week and a grand opening is planned after Labor Day.

Ms. Weiss informed the Commission that this was Vice-Chair Anderson's last meeting. There is a requirement that a Commissioner be a resident of Scottsdale. Ms. Weiss presented her with a plaque in appreciation of her four years of service and dedication.

Ms. Weiss stated that the next meeting would occur on September 20, 2006, and by that time, there should be two new Commissioners. She reminded the Commission that the next City Council meetings were July 10 and 11, and several Parks and Recreation items will be on their agenda.

**6. OPEN CALL TO THE PUBLIC (A.R.S. § 38-431.02)**

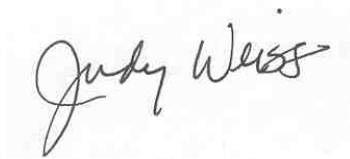
No members of the public wished to address the Commission.

**7. ADJOURNMENT**

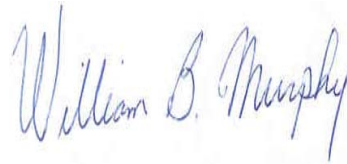
With no further business to discuss and no need for an executive session, being duly moved and seconded, the meeting adjourned at 6:43 p.m.

Respectfully submitted,  
AV-Tronics, Inc.

Meets established criteria.

A handwritten signature in black ink that reads "Judy Weiss". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

Judy Weiss, Director  
Parks and Recreation

A handwritten signature in blue ink that reads "William B. Murphy". The signature is written in a cursive style with a large initial "W" and a long horizontal stroke at the end.

William B. Murphy, Director  
Parks and Grounds Management